

LEWIS & LIN LLC

Brett E. Lewis
David D. Lin

—
Roberto Ledesma
Justin Mercer
Lauren Valli

81 Prospect Street, Suite 8001
Brooklyn, NY 11201

Tel: (718) 243-9323
Fax: (718) 243-9326

www.iLawco.com

Writer's email: David@iLawco.com

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VIA ECF

Hon. Allyne R. Ross
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Runs Like Butter Inc. v. MVI Systems LLC and Samuel Taub
19-cv-2432 (ARR) (JO)

Dear Judge Ross:

I am counsel for plaintiff Runs Like Butter Inc. d/b/a ButterflyMX in the referenced action and write pursuant to paragraph III(A) of Your Honor's Individual Practices and Rules to request a pre-motion conference on plaintiff's application to file an amended complaint and modify the Consent Order currently in place.

F.R.C.P. 15(a) provides that "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Plaintiff's instant application seeking leave to amend its Complaint (ECF Doc. No. 1) arises from newly discovered information that Defendants registered the two additional domain names, <butterflymx.com> and <butterfly-mx.com> (collectively the "Additional Infringing Domain Names"), which are almost identical to Plaintiff's trademark, the BUTTERFLYMX® Mark, and which track the spelling of Plaintiff's Domain Name with only minor differences. Further, like the other Infringing Domain Names which are the basis for the Complaint, the Additional Infringing Domain Names redirect to Defendants' <mvisystems.com> website. We are happy to provide a proposed draft of Plaintiff's Amended Complaint if the Court would like to review it in connection with this instant request.

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Additionally, in light of this finding, Plaintiff respectfully requests that the Consent Order dated May 1, 2019 (ECF Doc. No. 15), requiring the transfer of Defendants' Infringing Domain Names to Plaintiff, be modified to include the Additional Infringing Domain Names.

Respectfully submitted,

/s/ David D. Lin
David D. Lin

cc: Counsel for Defendants (via ECF)